

# Working Families Agenda - Earned Sick Time & Fair Scheduling

## Draft Proposal Highlights | September 2015

When people working in Minneapolis benefit from fair and safe workplace policies, we all stand to benefit. Currently, people working in Minneapolis may lack earned sick time and predictable work schedules. As a result, they may go to work sick, and don't always get fully paid for the time they work.

Lack of earned sick time can force people to make a difficult choice between getting a paycheck, or caring for themselves or a loved one during illness.

Lack of earned sick time is a serious public health issue. When employees come to work sick, it can impact customers and other employees. Since 2004, more than 208 food-borne illness outbreaks have been linked to employees working while sick in Minnesota. Forty-one percent of employed Minneapolis residents lack access to earned sick time.

Lack of predictability in scheduling and lack of earned sick time disproportionately affects people of color and women, who are often employed in service industry jobs with a high degree of public contact.

Lack of stable and predictable schedules negatively impacts family life and child health, complicates transportation and childcare, and makes it more difficult to pay bills, save for emergencies, and pursue education.

In contrast, access to earned sick time is associated with a number of positive

outcomes including: lower rates of on-the-job injuries; increased use of preventive care; less stress reported by employees; decreased employer health care expenses and decreased costs to publicly funded health care programs.

By improving the predictability and stability of hours and wages, and by providing earned sick time, employers and employees both stand to gain, through improved work productivity, employee and public health, recruitment and employee retention, customer satisfaction, and reduced employer health care costs.

*The City of Minneapolis has a long history of supporting a strong economy for all at the local, state, and federal levels and adopting policies that create fair, safe, and healthy standards for working people.*

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## Earned Sick Time Draft Proposals

*As of September 4, 2015*

### Who is Impacted?

Any employer with one or more employees. There is an exemption if a collective bargaining agreement waives the law in clear and unambiguous terms. Existing sick time/PTO systems meeting minimum standards would not be impacted.

### Permitted Uses of Earned Sick Time

- a** Mental or physical illness, injury or health condition
- b** Need to seek medical care (including preventative care)
- c** Domestic abuse, sexual assault, or stalking
- d** Care of a family member for any of the above reasons
- e** During weather or other emergency closure of employee's place of employment, or child's school or care center

### Notification

Employers may require the employee to provide notice prior to using earned sick time (but not more than 7 days' advance notice) when the use is foreseeable. Documentation can be required if an employee is absent for more than 3 consecutive days.

### Flexibility for Employees

Employees may trade shifts rather than use accrued time, and are not required to seek a replacement to cover shifts when they use earned sick time.

### Accrual

Employees will earn one hour of sick time for every 30 hours worked starting at first day of work. Employees can use earned sick time after 90 calendar days following the first day of work.

For employers with 21 or more employees: employees may accrue a maximum of 72 hours/year. For employers with fewer than 21 employees: employees may accrue a maximum of 40 hours/year. In all cases unused hours can be carried over year to year, but are not required to exceed the maximum amount. Employers may agree to provide higher amounts.

### Worker Protection

Employers will be prohibited from retaliating against an employee and will be required to notify employees of their rights and benefits under this policy.

# Working Families Agenda - Earned Sick Time & Fair Scheduling

Draft Proposal Highlights | September 2015

## Fair Scheduling Draft Proposals

*As of September 4, 2015*

### Who is Impacted?

All employees would be covered unless a collective bargaining agreement waives the law in clear and unambiguous terms.

### Notice of Initial Schedule and Changes

Employees' schedules (including on-call shifts) 28 days in advance. Employees must be notified of changes within 24 hours of the change being made.

### Mutual Consent for Schedule Changes

Employees can decline hours not included in their original schedule without retaliation, and can volunteer for additional hours by consenting in writing. Employers must obtain written consent from employee to add shifts/hours.

### Compensation for Schedule Changes

Employees receive one hour of predictability pay for all employer-initiated changes after the schedule is posted.

### Protection from Last-Minute Schedule Changes

When an employer changes, cancels, or shortens a shift with less than 24 hours' notice, employees must receive predictability pay of four hours or the duration of the shift, whichever is less.

### Right to Adequate Rest

Compensation at time-and-a-half must be provided, and employees must consent to work when scheduled for: less than 11 hours of time off between work shifts, more than 55 hours in a week, or more than six days in a row. Employees will earn overtime pay for shifts that exceed eight hours a day.

### No Discrimination Based on Hours of Work

Employers must offer the same hourly wages, access to time off, and promotion to workers with similar skills and responsibilities, regardless of the hours the employees are scheduled to work. Employers may pay different hourly wages based on other reasons such as seniority, merit, responsibilities, or production.

### Right to Request Flexible Schedule

Employees have the right to request a flexible working arrangement at any time, and the employer must promptly evaluate that request. Requests based on employee's serious health condition, caregiving obligations, educational pursuits or second job must be granted by the employer.

### Access to Full Time Work

Employers must offer hours to existing employees before hiring new or temporary employees. Employers must pay a retention premium to discourage "zero hours" schedules.

### Worker Protection

Employers will be prohibited from firing, demoting, suspending or taking other adverse actions against employees for exercising their rights or assisting others to exercise their rights. Employer bears the burden of proving that an adverse action within one year of protected activity is not retaliatory in nature.

### Exemptions

There are exemptions from certain requirements under this policy in case of suspension of business activity due to government recommendation, natural disaster, utility failure, or threats to property or employees.

**We welcome your input on these draft proposals.**

**To submit comments and for more information about these draft proposals, visit**  
[minneapolismn.gov/workingfamiliesagenda](http://minneapolismn.gov/workingfamiliesagenda)

**or contact**  
[workingfamilies@minneapolismn.gov](mailto:workingfamilies@minneapolismn.gov)

**Comments should be submitted no later than October 16, 2015.**